

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the Office Action in view of the foregoing amendments and the following remarks.

Claims 1-11 are now pending, with claims 1, 6, and 7 being independent. Claims 1, 3, and 6-8 have been amended herein. Support for the amendments can be found throughout the originally-filed disclosure, including, for example, at paragraphs [0031] and [0032] of the Specification. Thus, Applicants submit the amendments include no new matter.

Claim 6 is rejected in the Office Action under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Office Action asserts that modules recited in the claim could be simply software modules, which would not be statutory.

Applicants respectfully traverse this rejection. Nevertheless, without conceding the propriety of the rejection and solely to expedite prosecution, Applicants have amended claim 6 to clarify that the claimed apparatus includes a processing unit and system memory, in addition to the modules recited in the claim. Accordingly, Applicants submit that the claim cannot be interpreted as merely software, and, accordingly, that the rejection under 35 U.S.C. § 101 should be withdrawn.

Claims 1, 2, 4, 5, and 7 are rejected in the Office Action under 35 U.S.C. § 102(e) as allegedly being anticipated by Sartor et al. (U.S. Patent App. Pub. No. 2002/0161711). Claim 3 is rejected in the Office Action under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sartor et al. in view of Official Notice taken in the Office Action. Claim 6 is rejected in the Office Action under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palaghita et al. (U.S. Patent App. Pub. No. 2004/0064401) in view of Sartor et al.

Applicants respectfully traverse the rejections. Nevertheless, without conceding the propriety of the rejections and solely to expedite prosecution, independent claims 1, 6, and 7 have been amended to clarify the distinctions between the cited references and the claims. Accordingly, Applicants submit that the invention recited in the independent claims is patentably defined over the cited references for at least the following reasons.

The Office Action asserts that Sartor et al. discloses a method for facilitating the processing of requests for an item comprising, inter alia, evaluating a first set of criteria related to information from a customer to determine if a request involves potential fraud, and selectively evaluating, based upon the evaluation of the first set of criteria, a second set of criteria related to the information to determine if the request involves potential fraud.

Applicants submit, however, that Sartor et al. does not disclose or suggest both evaluating a first set of criteria related to the information related to the customer to determine if a request involves potential fraud, and selectively evaluating, based upon the evaluation of the first set of criteria, a second set of criteria related to the information relating to the customer to determine if the request involves potential fraud. In Sartor et al., an analysis is used to determine whether an event is the type for which fraud detection analysis should be bias toward detecting more fraudulent activity or should be biased toward reducing false positives. See, e.g., Sartor et al., paragraph [0013]. As a result of the event analysis step, an appropriate rule set is selected. Sartor et al., paragraph [0015]. Thus, as Sartor et al. explicitly notes, only one rule set is applied to a particular transaction. Sartor et al., paragraph [0008]. Moreover, there is no indication in Sartor et al. that the “event,” which is analyzed, includes any information specifically related to the customer. Instead, Sartor et al. notes, for example, that the type of event could be indicative of the products contained in an order. Sartor et al., paragraph [0013].

On the other hand, claim 1 of the present application recites “evaluating a first set of criteria related to the information relating to the customer to determine if the request involves potential fraud.” Claim 1 further recites “selectively evaluating, based upon the evaluation of the first set of criteria, a second set of criteria related to the information relating to the customer to determine if the request involves potential fraud.” Claim 6 recites modules which are configured to evaluate information relating to the customer in a similar manner, and claim 7 recites evaluating first and second sets of criteria related to the information relating to a caller to determine if a request involves potential fraud. The present application notes of information relating to the customer can be, for example, an ANI or a password, which would both be particular to a customer. See, e.g., paragraph [0031] of the Specification. Sartor et al. fails to teach or suggest two steps of evaluating information relating to a customer for an indication of potential fraud. Accordingly, Applicants submit Sartor et al. cannot be understood to teach or suggest a method as recited in claims 1 and 7, or an apparatus as recited in claim 6.

With respect to the rejection of claim 6 under 35 U.S.C. § 103 in view of Palaghita et al. and Sartor et al., the Office Action notes that Palaghita et al. does not explicitly include detecting fraud. The Office Action asserts, however, that it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sartor et al. into Palaghita et al. to take advantage of different criteria that change the likelihood of fraud occurring in a particular case.

Applicants submit, however, that Palaghita et al. cannot be taken to teach or suggest evaluating first and second sets of criteria relating to information related to a customer or caller for an indication of potential fraud, as recited in claims 1, 6, and 7. The Office Action finds that Palaghita et al. does not explicitly include detecting fraud. Along these lines, Applicants submit that nothing in Palaghita et al. suggests selectively evaluating first and second sets of criteria

related to information relating to a customer or caller for an indication of potential fraud. Similarly, as described above, Applicants submit that Sartor et al. fails to teach or suggest selectively evaluating first and second sets of criteria related to information relating to a customer or caller for an indication of potential fraud. Thus, even if Sartor et al. is combined with Palaghita et al., the references collectively still fail to suggest a method as recited in claims 1 and 7, or an apparatus as recited in claim 6.

For at least the foregoing reasons, Applicants submit independent claims 1, 6, and 7 are patentably defined over the cited references.

The other claims are allowable by virtue of their dependency and in their own right further defining the invention. Individual consideration of the dependent claims is respectfully requested.

Additionally, Official Notice is taken in the Office Action in the rejection under 35 U.S.C. § 103 of claim 3 that features of Applicants' invention are well known in the art. Applicants respectfully traverse the Official Notice, and submit that the features of Applicants' are not obvious when considered in combination with the other elements of Applicants' invention. It is requested that the Office provide documentary evidence in support of the Official Notice. See MPEP § 2144.03.

Applicants submit that all of the pending claims are allowable over the references of record, and that the application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections, and passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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